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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,723	01/30/2004	Adrian B. Chernoff	GP-303333	5120

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EXAMINER

MORROW, JASON S

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,723

Applicant(s)

CHERNOFF ET AL.

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 1 and 8-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Seksaria et al.

Re claim 1, Seksaria et al. discloses a front structure for a vehicle comprising a unitary panel (figure 5) formed to at least partially define a vehicle cowl (the portion of 102 at 112 which extends from the back to the front of the panel and forms a trough) and a vehicle bulkhead, and wherein the unitary panel is further configured to at least partially define a front compartment of the vehicle.

Re claim 8, the cowl is configured to extend across the front compartment, and wherein said bulkhead is configured to at least partially separate the front compartment from a passenger compartment of the vehicle.

Re claim 9, the cowl comprises a structural cross beam (144), said cross beam being configured to extend across the front compartment.

Re claim 10, the cowl forms an air intake plenum (in between the reference numerals 126wp), and wherein said cross beam is formed between said plenum and said vehicle bulkhead.

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Re claim 11, the unitary panel further defines structure at least partially forming a vehicle dashboard and configured for attachment with respect to an instrument panel (see figure 5).

Re claim 12, the vehicle includes two front hinge pillars (132, 134) each having a forward edge, and wherein said unitary panel is configured such that the forward edge of each of said two front hinge pillars substantially continuously abuts said unitary panel when said unitary panel is operatively connected to the vehicle.

Re claim 13, the vehicle cowl forms an air intake plenum.

Allowable Subject Matter

3. Claims 2-7 and 15-20 are allowed.

Response to Arguments

4. Applicant's arguments filed 2/14/05 have been fully considered but they are not persuasive with respect to the rejection of claims 1 and 8-13 as being anticipated by Seksaria under 35 USC § 102(e).

Applicant first argues that Seksaria does not disclose all of the limitations of claim 1 because Seksaria does not disclose a unitary panel. Applicant asserts that because the bulkhead taught by Seksaria is cast, it cannot be a panel. The examiner disagrees that the term "panel" excludes structures that are cast. The term "panel" implies nothing about the process of forming an object, only its shape. Webster's II New Riverside University Dictionary defines "panel" as "a flat, usually rectangular piece forming a part of a surface in which it is set and being raised recessed or framed." The

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structure shown by Seksaria meets such a definition. Its overall shape of the Seksaria structure is substantially flat. It is suggested that the term “sheet” is more descriptive of what applicant is trying to claim and what subject matter applicant is trying to exclude in claim 1.

With respect to claim 1, Applicant also argues that the Seksaria fails to disclose a cowl. The Examiner has further defined as what is considered the cowl in the rejection above. It is not the part 144, thus rendering the argument made by applicant about it not being part of a “unitary panel” moot. With respect to claim 9, applicant argues that the part 144 cannot be a structural cross beam as defined by the claim because it is not unitary with the part 102. However, claim 1 claims that the unitary panel at least *partially* defines a vehicle cowl. This implies that the sum total of the cowl does not have to be part of the unitary panel. Thus part 144 can be considered part of the cowl and not be part of the unitary panel. In any event, it is the examiners position that the parts of the cowl that are part of the unitary panel 102 define a structural cross beam as required by claim 9, without the structure of part 144.

With respect to claim 12, the Examiner agrees that the reference numerals 108 and 110 of Seksaria do not indicate the “front hinge pillars”, but that the reference numerals 132 and 134 of Seksaria do and the rejection above has been changed accordingly to reflect the correct reference numerals

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason S. Morrow
Examiner

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April 12, 2005



JASON MORROW
PRIMARY PATENT EXAMINER

4/12/05